

ASSEMBLY BILL

No. 944

Introduced by Assembly Member Silva

February 26, 2009

An act to amend Section 18671.1 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 944, as introduced, Silva. Civil service: employee hearings.

The California Constitution establishes the civil service and creates the State Personnel Board to enforce the civil service statutes. Existing law authorizes the State Personnel Board to hold hearings and make investigations concerning matters relating to the administration of the civil service. These provisions require, among other things, that a hearing or investigation be commenced within a reasonable time after the filing of the petition whenever a hearing or investigation is conducted in regard to an appeal by an employee.

This bill would revise that provision to additionally require that employee termination cases take priority over all other cases that were initiated within the previous 4 months.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18671.1 of the Government Code is
- 2 amended to read:
- 3 18671.1. Whenever a hearing or investigation is conducted by
- 4 the board or its authorized representative in regard to an appeal

1 by an employee, the hearing or investigation shall be commenced
2 within a reasonable time after the filing of the petition and ~~the~~
3 *employee termination cases shall take priority over all other cases*
4 *that were initiated within the previous four months. The* board
5 shall render its decision within a reasonable time after the
6 conclusion of the hearing or investigation, except that the period
7 from the filing of the petition to the decision of the board shall not
8 exceed six months or 90 days from the time of the submission,
9 whichever time period is less, and except that the board may extend
10 the six-month period up to 45 additional days. In the event of an
11 extension, the board shall publish substantial reasons for the need
12 for the extension in its calendar prior to the conclusion of the
13 six-month period. Submission occurs on the last day of the hearing,
14 if no other documents are to be filed, or on the last day designated
15 for the filing of briefs or other evidence necessary to complete the
16 record. The provisions relating to the six-month or the 90-day
17 periods for a decision may be waived by the employee but if not
18 so waived, a failure to render a timely decision is an exhaustion
19 of all available administrative remedies. In cases involving
20 complaints of discrimination, harassment, or retaliation, where the
21 executive officer renders a decision, the decision shall be rendered
22 within four months of the filing of the appeal.